

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

RESIDENTIAL CAPITAL, LLC, et al.,

Debtors.

Case No. 12-12020 (MG)

Chapter 11

(Jointly Administered)

**RESPONSE OF CLAIMANT ALLISON L. RANDLE TO THE DEBTORS'  
FIFTIETH OMNIBUS OBJECTION TO CLAIMS (NO LIABILITY  
BORROWER CLAIMS – BOOKS AND RECORDS)**

In accordance with Order of the Court, dated September 23, 2013, Claimant, Allison L. Randle (hereinafter “Randle” or “Claimant”) states as follows:

**SPECIFIC CASE NUMBER:** Residential Funding Company, Case No. 12-12019  
(MG)

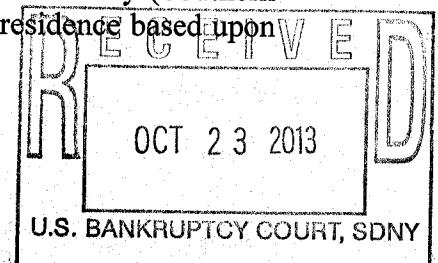
**NAME OF CLAIMANT:**

Allison L. Randle; unlawful seizure and sale of Claimant’s primary residence owned of the public record by the Debtor, Residential Funding Company, LLC f/k/a Residential Funding Corporation (hereinafter “Debtor” or “Residential”), resulting in unjust enrichment of the Debtor’s bankruptcy estate at the expense of Claimant.

**BASIS FOR CLAIM:**

The reasons why the Claimant’s claim should not be disallowed, and/or expunged for the reasons set forth in the Objection:

The books and records of the bankruptcy estate of the Debtor should reflect that the Debtor currently holds title of the public record at the Worcester County (Southern District) Registry of Deeds (Massachusetts) to Claimant’s primary residence based upon



a void, invalid, and ineffective assignment of interest in and to a certain mortgage deed given by Sherwood Mortgage Group, Inc. to Mortgage Electronic Registration Systems, Inc., its successors and assigns, as nominee for GMAC Bank, its successors and assigns, dated April 8, 2003 and recorded with the Worcester County (Southern District) Registry of Deeds on April 14, 2003 in Book 29672, Page 143. (*See, Exhibit "2", Claim Information and Document package*, submitted herewith). Evidence of such transfer is in the form of a Foreclosure Deed, dated January 23, 2012, and recorded with the Worcester County (Southern District) Registry of Deeds on May 20, 2013 in Book 50907, Page 85. (A true and accurate copy of the Foreclosure Deed (along with the Affidavit [of Sale] that is incorporated therein) is attached hereto and incorporated herein in their entirety by reference as Exhibit "A".

At the time of such assignment of mortgage deed, "GMAC Bank" was *not* in legal existence. (It did not come into legal existence until March 29, 2004; this is evidenced by the filing by GMAC Automotive, Inc., (predecessor name of GMAC Bank) to GMAC Bank with the Massachusetts Secretary of State, of which this Court may take judicial notice. (*See, Exhibit "4", and also Exhibit "3" of Claim Information and Document package*, submitted herewith).

At the time of such unlawful seizure and sale on October 26, 2011, the assessed, fair market value of Claimant's primary residence was \$234,200.00 (*See, Exhibit "21", Claim Information and Document package*, submitted herewith).

In further support of Claimant's claim, Claimant incorporates as if set forth fully herein, the entire *Claim Information and Document package* submitted herewith, which package contains a detailed history of the chain of title to the subject of the Objection.

In light of all of the foregoing, the bankruptcy estate of Residential has been unjustly enriched to the value of \$234,200.00, which sum forms the basis of Claimant's general unsecured, non-priority claim against the Debtor's bankruptcy estate.

**PERSON POSSESSING ULTIMATE AUTHORITY TO RECONCILE, SETTLE,  
OR OTHERWISE RESOLVE THE CLAIM ON BEHALF OF CLAIMANT:**

Allison L. Randle  
83 Whitney Street  
Northborough, MA 01532-1429  
Tel: 1-(774)-364-1296

Respectfully submitted,

ALLISON L. RANDLE,

A handwritten signature in cursive script, reading "Allison L. Randle", written over a horizontal line.

Allison L. Randle  
83 Whitney Street  
Northborough, MA 01532-1429  
Tel: 1-(774)-364-1296  
Email: [alrandle@charter.net](mailto:alrandle@charter.net)

Date: October 22, 2013

CERTIFICATE OF SERVICE

I, Allison L. Randle, hereby certify that on the 22<sup>nd</sup>. day of October, 2013, I served a copy of the within document and *Claim Information and Document package* via Federal Express Overnight Mail, prepaid, to the following:

Chambers of the Honorable Martin Glenn  
One Bowling Green, Courtroom 501  
New York, New York 10004

SilvermanAcampora LLP  
ATTN: Ronald J. Friedman, Esq.  
100 Jericho Quadrangle, Suite 300  
Jericho, NY 11753

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(Special Counsel to the Committee)

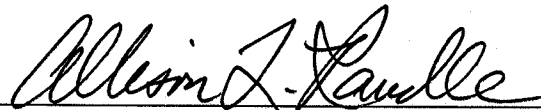
(Counsel for the Debtors)

Kramer Levin Naftalis & Frankel LLP,  
ATTN: Kenneth H. Eckstein, Esq.  
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(Counsel for the Committee)

Office of the United States Trustee  
for the Southern District of New York  
ATTN: Hope Davis, Esq.  
Linda A. Riffkin, Esq.  
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U.S. Federal Office Building  
201 Varick Street, Suite 1006  
New York, NY 10014

(United States Trustee)



Allison L. Randle